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OCT 18 2006

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS**

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

In re MARK H. MILLER *et al.*

Application No. 10/806,223

Filed: March 23, 2004

Appeal No. 2006-2761

ORDER GRANTING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for November 14, 2006. The notice setting the hearing was mailed to Applicants on October 4, 2006. The date Applicants received the notice is not apparent from the record. On October 11, 2006, a facsimile letter styled "Request For Rescheduling Of Hearing" was filed, Applicants requested that the Oral Hearing be rescheduled. The request has been granted.

According to counsel:

[He] will be out on a family vacation that was planned a few months ago. The vacation has already been paid for, the flights and accommodations are not refundable, and [counsel's] wife has already locked in her vacation time for that period.

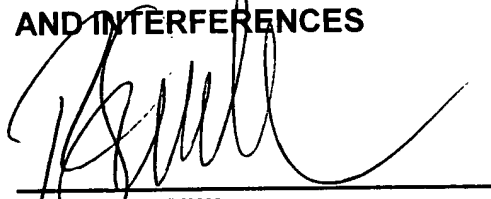
Counsel further states:

The oral argument cannot be delegated to someone else within my firm. The associate that had originally prepared the briefs and assisted me with the prosecution is no longer with the firm. I am the only attorney intimately familiar with the prosecution of the lead attorney that the client expects to argue the appeal.

For the reasons given above, it is:

Ordered that the request to reschedule the oral hearing to a date after November 14, is granted. No further request for postponement will be permitted. Any further request for postponement will be treated as a waiver of the Request for Oral Hearing.

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'R. Williams', is written over a horizontal line.

Roger L. Williams
Chief Office Administrator
(571) 272-9797

FAX DATE : October 18, 2006
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